

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:12-CV-487-MOC-DCK**

**DAVID HOLMES, individually and on )  
behalf of a Rule 23 putative class, )**

**Plaintiff, )**

**v. )**

**ORDER**

**BANK OF AMERICA, N.A., in its own )  
capacity and as successor by merger to )  
BAC Home Loans Servicing, L.P., and )  
ILLINOIS UNION INSURANCE )  
COMPANY, SEATTLE SPECIALTY )  
INSURANCE SERVICES, INC., )  
LLOYD’S UNDERWRITERS AT )  
LONDON, and CERTAIN )  
UNDERWRITERS AT LLOYD’S )  
LONDON, )**

**Defendants. )**

**THIS MATTER IS BEFORE THE COURT** on the “Consent Motion Of Defendant Seattle Specialty Insurance Services, Inc. Requesting Oral Argument On Its Motion To Dismiss” (Document No. 91) and the parties’ “Joint Motion To Amend The Briefing Schedule On All Defendant’s Motions To Dismiss” (Document No. 92) filed December 19, 2012. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and immediate review is appropriate. Having carefully considered the motions and the record, the undersigned will grant the motion to amend the briefing schedule, and deny the motion for oral argument, without prejudice.

Although the undersigned appreciates that the revised motion for oral argument indicates Plaintiffs’ consent, the instant motion seems to be premature. The Court respectfully requests that counsel wait until at least after the response deadline for the pending motions to dismiss, and

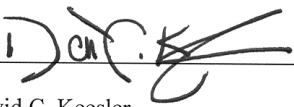
then file a renewed request, if appropriate, for a hearing on the motion(s) that indicates the position of all parties on the motion, and specifically identifies all parties who wish to participate in a hearing on any or all pending motions to dismiss.

**IT IS, THEREFORE, ORDERED** that the “Consent Motion Of Defendant Seattle Specialty Insurance Services, Inc. Requesting Oral Argument On Its Motion To Dismiss” (Document No. 91) is **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the parties’ “Joint Motion To Amend The Briefing Schedule On All Defendant’s Motions To Dismiss” (Document No. 92) is **GRANTED**. Plaintiff shall respond to all Defendants’ Motions To Dismiss on or before **January 31, 2013**, and all Defendants shall file replies in support of their Motions To Dismiss on or before **February 21, 2013**.

**SO ORDERED.**

Signed: December 20, 2012

  
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David C. Keesler  
United States Magistrate Judge

